

**Jan 17, 2023**

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**23-20021-CR-ALTONAGA/DAMIAN**  
CASE NO. \_\_\_\_\_

18 U.S.C. § 1546(a)  
18 U.S.C. § 1028A(a)(1)  
18 U.S.C. § 982(a)(6)

**UNITED STATES OF AMERICA**

**vs.**

**MARIO HENRY GARCIA**

**Defendant.**

**INDICTMENT**

The Grand Jury charges that:

**Counts 1-7**  
**Fraud and Misuse of Visas, Permits and other Documents**  
**18 U.S.C. § 1546(a)**

On or about the dates specified below, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**MARIO HENRY GARCIA,**

did knowingly present a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, that is an Affidavit of Support, Form I-864, stating that the victim, identified in each count below, would act as a financial sponsor for an adjustment of status applicant, when, in truth and in fact, as the Defendant then and there well knew, the victims did not agree to act as a financial sponsor, as sent forth in each count below:

<b>Count</b>	<b>Approximate Date</b>	<b>False Statement Presented</b>
<b>1</b>	<b>12/14/2018</b>	Form I-864 Affidavit submitted in connection with G.D.M.F.'s application to adjust immigration status falsely stating that A.J. agreed to serve as a financial sponsor.
<b>2</b>	<b>12/14/2018</b>	Form I-864 Affidavit submitted in connection with A.I.G.'s application to adjust immigration status falsely stating that A.J. agreed to serve as a financial sponsor.
<b>3</b>	<b>4/16/2019</b>	Form I-864 Affidavit submitted in connection with K.H.S.P.'s application to adjust immigration status falsely stating that S.P.C. agreed to serve as a financial sponsor.
<b>4</b>	<b>6/10/2019</b>	Form I-864 Affidavit submitted in connection with D.A.G.'s application to adjust immigration status falsely stating that E.P.V. agreed to serve as a financial sponsor.
<b>5</b>	<b>7/10/2019</b>	Form I-864 Affidavit submitted in connection with J.C.C.'s application to adjust immigration status falsely stating that E.P.V. agreed to serve as a financial sponsor.
<b>6</b>	<b>8/21/2019</b>	Form I-864 Affidavit submitted in connection with G.R.F.'s application to adjust immigration status falsely stating that E.P.V. agreed to serve as a financial sponsor.
<b>7</b>	<b>10/4/2019</b>	Form I-864 Affidavit submitted in connection with R.C.G.'s application to adjust immigration status falsely stating that E.P.V. agreed to serve as a financial sponsor.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

**COUNTS 8-14**  
**Aggravated Identity Theft**  
**(18 U.S.C. § 1028A(a)(1))**

On or about the dates specified below, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**MARIO HENRY GARCIA,**

during and in relation to a felony violation of Title 18, United States Code, Section 1546(a), that is, false statements in an immigration application and affidavit as charged in Counts 1 through 7 of this Indictment, did knowingly transfer, possess, and use, without lawful authority, the means

of identification of another person, as set forth in each count below:

Count	Approximate Date	Means of Identification
8	12/14/2018	A.J.'s name, date of birth, social security number in the Form I-864 submitted with the application of G.D.M.F.
9	12/14/2018	A.J.'s name, date of birth, social security number in the Form I-864 submitted with the application of A.I.G.
10	4/16/2019	S.P.C.'s name, date of birth, social security number in the Form I-864 submitted with the application of K.H.S.P.
11	6/10/2019	E.P.V.'s name, date of birth, social security number in the Form I-864 submitted with the application of D.A.G.
12	7/10/2019	E.P.V.'s name, date of birth, social security number in the Form I-864 submitted with the application of J.C.C.
13	8/21/2019	E.P.V.'s name, date of birth, social security number in the Form I-864 submitted with the application of G.R.F.
14	10/4/2019	V.A.P.'s name, date of birth, social security number in the Form I-864 submitted with the application of R.C.G.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

### **FORFEITURE ALLEGATIONS**

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **MARIO HENRY GARCIA**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1546(a), as alleged in this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6):

a. any conveyance, including any vessel, vehicle, or aircraft, used in the commission

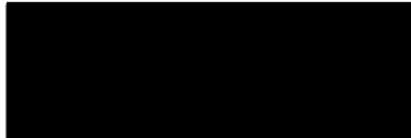
of such offense;

b. any property, real or personal, that constitutes, or is derived from, or is traceable to any proceeds obtained, directly or indirectly, from the commission of such offense; and

c. any property, real or personal, that was used to facilitate, or intended to be used to facilitate, the commission of such offense.

All pursuant to Title 18, United States Code, Section 982(a)(6), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL



FOREPERSON

*For*   
MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

  
HAYDEN P. O'BYRNE  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.: \_\_\_\_\_

v.

MARIO HENRY GARCIA

**CERTIFICATE OF TRIAL ATTORNEY\*****Superseding Case Information:**\_\_\_\_\_/ **Defendant.****Court Division** (select one)

- ☒ Miami    ☐ Key West    ☐ FTP  
☐ FTL    ☐ WPB

New Defendant(s) (Yes or No) \_\_\_\_\_

Number of New Defendants \_\_\_\_\_

Total number of New Counts \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) Yes  
List language and/or dialect: Spanish
4. This case will take 4 days for the parties to try.
5. Please check appropriate category and type of offense listed below:  

(Check only one)	(Check only one)
I <input checked="" type="checkbox"/> 0 to 5 days	<input type="checkbox"/> Petty
II <input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> Minor
III <input type="checkbox"/> 11 to 20 days	<input type="checkbox"/> Misdemeanor
IV <input type="checkbox"/> 21 to 60 days	<input checked="" type="checkbox"/> Felony
V <input type="checkbox"/> 61 days and over	
6. Has this case been previously filed in this District Court? (Yes or No) No  
If yes, Judge \_\_\_\_\_ Case No. \_\_\_\_\_
7. Has a complaint been filed in this matter? (Yes or No) \_\_\_\_\_  
If yes, Magistrate Case No. \_\_\_\_\_
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No  
If yes, Judge \_\_\_\_\_ Case No. \_\_\_\_\_
9. Defendant(s) in federal custody as of \_\_\_\_\_
10. Defendant(s) in state custody as of \_\_\_\_\_
11. Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No

By: \_\_\_\_\_



Hayden O'Byrne

Assistant United States Attorney

FL Bar No.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** MARIO HENRY GARCIA

**Case No:** \_\_\_\_\_

Counts #: 1-7

Fraud and Misuse of Visas, Permits and Other Documents

Title 18, United States Code, Section 1546(a)

\* **Max. Term of Imprisonment:** 5 years

\* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

\* **Max. Supervised Release:** 3 years

\* **Max. Fine:** \$250,000

Counts #: 8-14

Aggravated Identity Theft

Title 18, United States Code, Section 1028A(a)(1)

\* **Max. Term of Imprisonment:** 2 years

\* **Mandatory Min. Term of Imprisonment (if applicable):** 2 years

\* **Max. Supervised Release:** 1 year

\* **Max. Fine:** \$250,000

\*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.